IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.367 OF 2006
IN
WRIT PETITION NO.265 OF 2005

Mithalal N.Sishodiaya & anr. — Petitioners
vs.
State of Maharashtra & ors. — Respondents
And
Union Bank of India — Intervenor

Petitioners in person present.

Mr.G.W.Mattos, A.G.P. for respondents 1 & 2.

Mr.Roop. M. Vasudeo for the respondent no.3.

CORAM : F.I.REBELLO &
ANOOP V. MOHTA,JJ.

DATED : 25th August, 2006

P.C.

The writ petition came to be disposed of by order dated 6th May, 2005. In terms of direction No.(E) in para 27, it was set out that it is only after the applications are disposed of and allowed that the respondent no.3 will be entitled to apply for withdrawal of the sums deposited in this Court. It will be open for respondent no.3 thereafter to hand over the amount to Union Bank of India for discharging the liability.

2. This is an application for withdrawal of the amount deposited by the applicants. The learned counsel points out that the applications are disposed of and the list

has been finalised by the Charity Commissioner. The petitioners have filed affidavit dated 23rd August, 2006 and have been identified by Shri R.B.Singhvi, advocate of this Court, have given their no objection to the amount being released. They are present in Court and are identified by the counsel for respondent no.3.

3. Considering the above, on an authenticated copy of this order being shown, the Prothonotary & Senior Master to draw a cheque in favour of Union Bank of India in the sum of Rs.2.20 crores along with accrued interest and deposit the same with the Union Bank of India, Zeveri Branch which amount will be used for discharging the liability arising out of loan taken by respondent no.3.

4. If the amount is deposited in a fixed deposit, then there may be premature withdrawal and the amount be released as directed above.

5. Motion disposed of accordingly.

(F.I. REBELLO, J.)

(ANOOP V. MOHTA,J.)